

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

MICHAEL FRANCIS REED ALLEN,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. CIV-11-78-C
	)	
OKLAHOMA DEPARTMENT OF	)	
CORRECTIONS, LEXINGTON,	)	
CORRECTIONAL FACILITY,	)	
TAMMY HILL, in her personal and	)	
official capacities, and	)	
MR. FRANKLIN, in his personal	)	
and official capacities,	)	
	)	
Defendants.	)	

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the Report and Recommendation entered by United States Magistrate Judge Robert E. Bacharach on August 23, 2011. The court file reflects that no party has objected to the Report and Recommendation within the time limits prescribed.\* Therefore, the Court adopts the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation of the Magistrate Judge (Dkt. No. 23) is adopted. Defendants Hill and Franklin's motion to dismiss the official capacity claims based on Eleventh Amendment Immunity is granted. Defendants' Motion for Summary

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\* Although the Report and Recommendation mailed to Petitioner was returned as undeliverable, no other address has been provided by him as required by LCvR 5.4: "Papers sent by the Court will be deemed delivered if mailed to the last known address given to the Court."

Judgment in their individual capacities is likewise granted. A judgment shall enter accordingly.

IT IS SO ORDERED this 21st day of September, 2011.



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ROBIN J. CAUTHRON  
United States District Judge